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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,368	09/30/2003	Hyun-Kwon Chung	1293.1956	4342

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STEIN, MCEWEN & BUI, LLP  
1400 EYE STREET, NW  
SUITE 300  
WASHINGTON, DC 20005

EXAMINER
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PICHL PONNOREAY

ART UNIT	PAPER NUMBER
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2435

MAIL DATE	DELIVERY MODE
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02/03/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/673,368

**Applicant(s)**

CHUNG, HYUN-KWON

**Examiner**

PONNOREAY PICH

**Art Unit**

2435

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 November 2008.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 3-14, 49 and 50 is/are pending in the application.  
4a) Of the above claim(s) 3-11 and 49 is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 12, 13 and 50 is/are rejected.  
7) ☒ Claim(s) 14 is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/SF/08)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

Applicant's election with traverse of species II (claims 12-14) in the reply filed on 11/24/08 is acknowledged. The traversal is on the ground(s) that there would be no burden to examine both species and that the examiner has not shown how there would be a burden especially since both species are both classified in the same class and subclass. This is not found persuasive because despite being classified in the same class and subclass, as explained in the restriction requirement sent on 10/24/08, each species has certain features that are unique to that species and not found in the other species. This means that an updated search for each species would lead to searches in some fields that do not overlap. This means that certain classes and subclasses would be considered for one species, but not the other. Further, the key words used to search for subject matter in one species would be different than the other species. Note further that applicant's specification discloses that the figures to which each of these groups are drawn (i.e. Species I, claims 3-11 and 49 are drawn to Figure 9 while species II, claims 12-14, are drawn to Figure 8) represent different embodiments/species of what applicant considers to be the invention, see page 11. Having to search for what applicant's specification has admitted to be different embodiments/species is a burden of time.

The requirement is still deemed proper and is therefore made FINAL.

This application contains claims 3-11 and 49 which drawn to an invention nonelected with traverse in the reply filed on 11/24/08. A complete reply to the final

rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01. Claims 12-14 and 50 were examined.

***Response to Amendment***

Applicant's amendments and arguments directed to claims 12-14 and 50 were fully considered, but are moot in view of new rejections made below in response to the amendments.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 12-13 are rejected under 35 U.S.C. 102(b) as being anticipated by "SSH FAQ – Manpage of ssh", herein referred to as sshfaq.

**Claim 12:**

As per claim 12, sshfaq discloses:

1. Issuing a command by a first reliable context to read application content (p1-2).

*Note that the ssh command can be used to execute remote commands on a remote terminal. The terminal/shell from which the ssh command is issued from can be considered a first reliable context since it is located on a local machine and could even be executed from a "root" account, which has administrative rights. The [command] parameter passed to the ssh command is executed on a remote machine, which if the user's identity is properly authenticated, would*

*cause an application content on the remote machine to be read and/or executed remotely by a context on the remote machine. Note that one can tell that "root" is an existing account because the operating system discussed by sshfaq is Solaris (p10). One can also consider a context to be reliable if it is a shell program--the claim does not define what makes a context reliable or unreliable.*

2. Identifying whether the command is a reliable request or an unreliable request based on the syntax of the command (p1-2). *The ssh command as seen under the "SYNOPSIS" section takes a parameter "-l login\_name". As one skilled in the art should appreciate, the login\_name could either be "root" or some other user's identity belonging to the remote machine. The exact identity specified would determine the permission of the remote shell provided by the ssh command. For example, if "root" is specified, the command can be considered a reliable request since the syntax of the ssh command identifies "root" as the account from which [command] is to be executed. However, if "root" is not specified, then one can consider that the ssh command is not a reliable request since the syntax of the ssh command has not necessarily specified someone with administrative access rights. As such, the syntax of the ssh command can be considered to identify if the ssh command is a reliable request or not. In this case, the request is considered reliable if it specifies "root" as a parameter of the ssh command.*
3. Generating a second reliable context corresponding to the application content and accessing the application content according to the second reliable context

when the command is the reliable request (p2, next to last paragraph). *Note that if the user is authenticated, a remote shell is provided which allows access to application content on the remote machine. All access to content on the remote machine from the moment of authentication is provided via the remote shell.*

4. Generating an unreliable context and accessing the application content according to the unreliable context when the command is an unreliable request (p2, next to last paragraph). *Instead of providing a remote shell, depending on the syntax of the ssh command issued from the local terminal, the server could just carry out the command specified by [command]. To carry out the command at the remote machine, a context at the remote machine has to be created. Since this situation only provides access to the application content on the remote machine once per ssh command on the local machine, the context generated by the remote machine to carry out the command can be considered an unreliable context.*

**Claim 13:**

sshfaq further discloses wherein the application content corresponding to the second reliable content is recorded on a disk mounted in the network accessible apparatus (p1, first paragraph under "DESCRIPTION" section). *The section discusses who ssh provides access to a remote machine over a network. One should appreciate that computers on a network has their data stored on a mounted disk.*

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 50 is rejected under 35 U.S.C. 103(a) as being unpatentable over "SSH FAQ – Manpage of ssh", herein referred to as sshfaq, in view of applicant's admitted prior art discussed in the specification, herein referred to as AAPA.

**Claim 50:**

sshfaq does not explicitly disclose wherein the application content is a program written in the Java programming language, a script program, or a markup document. However, sshfaq's remote machine is a network accessible apparatus (p1, first paragraph under "DESCRIPTION" section). Further, AAPA discloses that application content being a program written in the Java programming language, a script program, or a markup document was well known in the art at the time applicant's invention was made (paragraph 3). At the time applicant's invention was made, it would have been obvious to one skilled in the art to modify sshfaq's remote machine's application content so that it is a program written in the Java programming language, a script program, or a markup document. It would have been obvious to do so because having one type of application content for another is nothing more than simple substitution of one known element for another to achieve predictable results.

***Allowable Subject Matter***

Claim 14 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PONNOREAY PICH whose telephone number is (571)272-7962. The examiner can normally be reached on 9:00am-4:30pm Mon-Thurs.



If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 571-272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ponnoreay Pich/  
Examiner, Art Unit 2435